

**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

86 Chambers Street  
New York, New York 10007

May 23, 2008

**By Fax**

Hon. John G. Koeltl  
United States District Judge  
United States Courthouse  
500 Pearl Street, Room 1030  
New York, New York 10007

**APPLICATION GRANTED  
SO ORDERED**

*5/23/08*  
*[Signature]*  
John G. Koeltl, U.S.D.J.

Re: Elaine Johnson v. Astruc  
07 Civ. 9294 (JGK)

This Office represents the Commissioner of Social Security, the defendant in this action. We write respectfully to request, with the consent of plaintiff's counsel, an adjournment of the Court's briefing schedule.

Plaintiff has filed a motion for judgment on the pleadings and, under the current schedule, the Government's cross-motion for judgment is due today, May 23, 2008. This Office has been in consultation with Social Security Administration personnel regarding an issue raised in plaintiff's brief for which we require additional information. We have asked the Social Security Administration to provide us with an answer to our concerns, which could result in a change in defendant's litigation position in this action. In view of the foregoing, we respectfully request an adjournment of the briefing schedule. Accordingly, we respectfully request that the Court's scheduling order be amended as follows:

Defendant will move on or before June 24, 2008

Plaintiff will serve a reply, if any, on or before July 8, 2008.

Defendant will serve a reply, if any, on or before July 22, 2008.

One previous request for an adjournment of the briefing schedule was granted by the Court.

<b>USDS SDNY</b>
<b>DOCUMENT</b>
<b>ELECTRONICALLY FILED</b>
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DATE FILED: <u>5/27/08</u>

Thank you for your consideration of this request.

Respectfully,

MICHAEL J. GARCIA  
United States Attorney

By:



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(By Mail)